

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

CASE NO.: 6:15-BK-07476-ABB

MARCELO MORA, JR. and
ADA MORA

Debtor(s).

CHAPTER 13

**VERIFIED MOTION TO STRIP LIEN OF PARKSIDE AT ERROL ESTATES
HOMEOWNERS ASSOCIATION, INC.**

NOTICE AND OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files a response within 30 days from the date set forth on the proof of service attached to this paper plus an additional three days for service. If you object to the relief requested in this paper, you must file your response with the Clerk of the Court at the George C Young Courthouse at 400 W. Washington Avenue, Suite 5100, Orlando, FL 32801 and serve a copy on the movant's attorney, Sara Chalkley, Esq., Kaufman, Englett & Lynd, PLLC, 150 N. Orange Avenue, Suite 100, Orlando, FL 32801, and any other appropriate persons within the time allowed.

If you file and serve a response within in the time permitted, the Court may schedule and notify you of a hearing, or the Court may consider the response and may grant or deny the relief requested without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

COME NOW the Debtors, MARCELO MORA, JR. and ADA MORA, by and through the undersigned attorney, and file this Motion to Strip Lien of PARKSIDE AT ERROL ESTATES HOMEOWNERS ASSOCIATION, INC. pursuant to 11 U.S.C. § 506 of the Bankruptcy Code and Bankruptcy Rule 3012 and in support thereof state the following:

1. The Debtors filed petition under Title 11, Chapter 13 of the United States Bankruptcy Code on August 31, 2015.
2. In the schedules filed with the petition in this case and on the master mailing matrix filed with the Clerk of this Court, a debt was listed in favor of PARKSIDE AT ERROL ESTATES HOMEOWNERS ASSOCIATION, INC. for the second deed of trust their petition and schedules that there was no equity in the residential real estate to which the assessments could secure at the time that the petition was filed, therefore, provided for the claim to paid as an unsecured claim under the terms of the confirmed plan.

3. Pursuant to Orange County Property Appraiser at the time they filed their bankruptcy petition and at the present time the value of the interest in the said residential real estate was and is approximately \$ 222,715.00.

LEGAL DESCRIPTION:

LOT 356, PARKSIDE AT ERROL ESTATES PHASE III, according to the plat thereof as recorded in Plat Book 65, Page 146, Public Records of Orange County, Florida. Parcel Identification Number: 05-21-28-6692-03-560.

4. The Debtors interest in the real estate is subject to the first lien arising out of a mortgage in favor of NATIONSTAR MORTGAGE in the amount of \$386,525.33.
5. The Debtors interest in the residential real estate is subject to a second lien arising out of assessments in favor of PARKSIDE AT ERROL ESTATES HOMEOWNERS ASSOCIATION, INC. in the amount of \$9174.50.
6. The lien securing the assessments of PARKSIDE AT ERROL ESTATES HOMEOWNERS ASSOCIATION, INC. is junior to the first mortgage listed above as owing to NATIONSTAR MORTGAGE.
7. Pursuant to 11 U.S.C. § 506(a), PARKSIDE AT ERROL ESTATES HOMEOWNERS ASSOCIATION, INC. has no allowable secured claim regarding the claim for the assessments on the subject real estate.
8. Any timely filed claim of PARKSIDE AT ERROL ESTATES HOMEOWNERS ASSOCIATION, INC. for the second mortgage loan is allowable only as an unsecured claim and in the event that no such claim is filed PARKSIDE AT ERROL ESTATES HOMEOWNERS ASSOCIATION, INC. will have no claim against this estate.

WHEREFORE, the Debtors respectfully pray of the Court as follows:

- A. That this Court determine that PARKSIDE AT ERROL ESTATES HOMEOWNERS ASSOCIATION, INC. has no secured interest for the assessments secured by the second lien on the residential real estate of the Debtors;
- B. That this Court order PARKSIDE AT ERROL ESTATES HOMEOWNERS ASSOCIATION, INC. to cancel the junior lien on the residential real estate of the debtors pursuant to 11 U.S.C. § 506(d), immediately upon entry of the Discharge Order and

deliver the same to the attorney for the debtors within 20 days from the date of the entry of the said order at no charge or fee for the aforesaid cancellation and delivery;

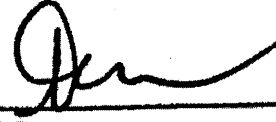
- C. That this Court direct the Trustee that any timely filed proof of claim of PARKSIDE AT ERROL ESTATES HOMEOWNERS ASSOCIATION, INC. for the assessments be treated as an unsecured claim under the plan; and
- D. That the Court grant such other and further relief as is proper and just.

DECLARATION

We, MARCELO MORA, JR. and ADA MORA, swear or affirm that the information contained in this Motion to Strip Lien is true and correct to the best of our knowledge, information and belief.



MARCELO MORA, JR.



ADA MORA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Strip Lien has been furnished by Electronic Notice or Regular U.S. Mail to:

Chapter 13 Trustee, Laurie K. Weatherford, PO BOX 3450, Winter Park, FL 32790;

Debtors, Marcelo Mora, Jr. and Ada Mora, 611 Lexington Pkwy, Apopka, FL 32712;

Creditor, PARKSIDE AT ERROL ESTATES HOMEOWNERS ASSOCIATION, INC., 6972 Lake Gloria Blvd, Orlando, FL 32809-3200; and

Creditor's Registered Agent, Leland Management, 6972 Lake Gloria Blvd, Orlando, FL 32809.

/s/ Sara Chalkley, Esq.

Attorney for Debtor

Sara Chalkley, Esq.

Kaufman, Englett and Lynd, PLLC

150 N Orange Ave, Suite 100

Orlando, FL 32801

Telephone: 407.513.1900

Facsimile: 407.309.5900

Fla Bar No.: 104939

Property Record - 05- 21-28-6692-03-560

Orange County Property Appraiser •
<http://www.ocpafl.org>

Property Summary

Property Name
611 Lexington Pkwy

Names
Mora Mark
Mora Ada

Municipality
APK - Apopka

Property Use
0102 - Single Fam Class II

Mailing Address
611 Lexington Pkwy
Apopka, FL 32712-4420

Physical Address
611 Lexington Pkwy
Apopka, FL 32712



QR Code For Mobile Phone



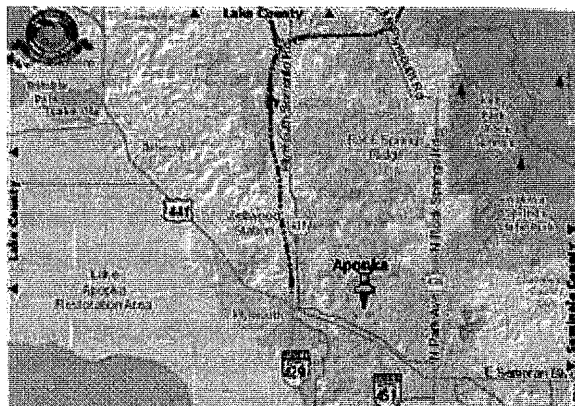
282105669203560 08/19/2009



282105669203560 08/19/2009



282105669203560 12/29/2006



Value and Taxes

Historical Value and Tax Benefits

| Tax Year Values | | Land | Building(s) | Feature(s) | Market Value | Assessed Value |
|-----------------|-------|----------|-------------|------------|--------------|------------------------|
| 2015 | ✓ MKT | \$30,000 | + | \$200,166 | + | \$0 = \$230,166 (4.2%) |
| 2014 | ✓ MKT | \$30,000 | + | \$190,947 | + | \$0 = \$220,947 (-) |
| 2013 | ✓ MKT | \$10,000 | + | \$216,822 | + | \$0 = \$226,822 (1.7%) |
| 2012 | ✓ MKT | \$10,000 | + | \$212,952 | + | \$0 = \$222,952 |
| | | | | | | \$222,952 |

| Tax Year Benefits | | Original Homestead | Additional Hx | Other Exemptions | SOH Cap Tax Savings | |
|-------------------|-------------|--------------------|---------------|------------------|---------------------|-------|
| 2015 | ✓ \$ HK CAP | \$25,000 | \$25,000 | \$0 | \$7,451 | \$749 |
| 2014 | ✓ \$ HK | \$25,000 | \$25,000 | \$0 | \$0 | \$633 |
| 2013 | ✓ \$ HK CAP | \$25,000 | \$25,000 | \$0 | \$80 | \$641 |
| 2012 | ✓ \$ HK | \$25,000 | \$25,000 | \$0 | \$0 | \$645 |

2015 Taxable Value and Certified Taxes

| Taxing Authority | Assd Value | Exemption | Tax Value | Millage Rate | Taxes | % |
|------------------------------------|------------|-----------|-----------|-----------------|------------|------|
| Public Schools: By State Law (Rle) | \$222,715 | \$25,000 | \$197,715 | 4.9700 (-4.90%) | \$982.64 | 32 % |
| Public Schools: By Local Board | \$222,715 | \$25,000 | \$197,715 | 3.2480 (0.00%) | \$642.18 | 21 % |
| Orange County (General) | \$222,715 | \$50,000 | \$172,715 | 4.4347 (0.00%) | \$765.94 | 25 % |
| City Of Apopka | \$222,715 | \$50,000 | \$172,715 | 3.2876 (0.00%) | \$567.82 | 18 % |
| Library - Operating Budget | \$222,715 | \$50,000 | \$172,715 | 0.3748 (0.00%) | \$64.73 | 2 % |
| St Johns Water Management District | \$222,715 | \$50,000 | \$172,715 | 0.3023 (-4.46%) | \$52.21 | 2 % |
| | | | | 16.6174 | \$3,075.52 | |

2015 Non-Ad Valorem Assessments

| Levying Authority | Assessment Description | Units | Rate | Assessment |
|-------------------|---|-------|--------|------------|
| CITY OF APOPKA | APOPKA STORM - DRAINAGE - (407)703-1731 | 25.00 | \$1.00 | \$25.00 |
| | | | | \$25.00 |

Property Features

Property Description

PARKSIDE AT ERROL ESTATES PHASE 3 65/146 LOT 356

Total Land Area

11,096 sqft (+/-) | 0.25 acres (+/-) GIS Calculated

Land (includes working values)

| Land Use Code | Zoning | Land Units | Unit Price | Land Value | Class | Unit Price | Class Value |
|--------------------------|--------|------------|-------------|------------|-------|------------|-------------|
| 0100 - Single Family PUD | | 1 LOT(S) | \$30,000.00 | \$30,000 | | \$0.00 | \$30,000 |

Buildings (includes working values)

| Model Code | 01 - Single Fam Residence | Subarea Description | Sqft | Value |
|--------------------|----------------------------|---------------------|------|-----------|
| | | BAS - Base Area | 2157 | \$137,466 |
| Type Code | 0102 - Single Fam Class II | FGR - Fin Garage | 564 | \$17,972 |
| | | FOP - F/Opn Prch | 341 | \$5,417 |
| Building Value | \$206,233 | FUS - F/Up Story | 1064 | \$57,612 |
| Estimated New Cost | \$218,467 | OPN - Open Area | 40 | \$0 |
| Actual Year Built | 2007 | | | |
| Beds | 5 | | | |
| Baths | 3.0 | | | |
| Floors | 2 | | | |
| Gross Area | 4166 sqft | | | |
| Living Area | 3221 sqft | | | |
| Exterior Wall | Cb.Stucco | | | |
| Interior Wall | Drywall | | | |

Extra Features (includes working values)

| Description | Date Built | Units | Unit Price | XFOB Value |
|---|------------|-------|------------|------------|
| There are no extra features associated with this parcel | | | | |

Sales

Sales History

| Sale Date | Sale Amount | Instrument # | Book/Page | Deed Code | Seller (s) | Buyer (s) | Vac/Imp |
|------------|-------------|-------------------------|-----------|------------------|-----------------|--------------------|----------|
| 03/28/2007 | \$441,000 | 2007021501709192 / 1088 | | Special Warranty | Tousa Homes Inc | Mora Mark Mora Ada | Improved |

Similar Sales

| Address | Sale Date | Sale Amount | \$/SQFT | Deed Code | Beds/Baths | Instrument # | Book/Page |
|--------------------------|------------|-------------|---------|----------------|------------|--------------|--------------|
| 508 Parkside Pointe Blvd | 11/12/2015 | \$237,000 | \$84 | Warranty Deed | 4/3 | 20150609271 | 11017 / 1367 |
| 520 Errol Pkwy | 09/17/2015 | \$299,000 | \$92 | Warranty Deed | 5/3 | 20150497753 | 10987 / 1552 |
| 627 Lexington Pkwy | 08/26/2015 | \$210,000 | \$116 | Warranty Deed | 3/2 | 20150456517 | 10975 / 7745 |
| 561 Parkside Pointe Blvd | 06/12/2015 | \$320,000 | \$89 | Warranty Deed | 5/4 | 20150351424 | 10948 / 3809 |
| 485 Parkside Pointe Blvd | 05/28/2015 | \$268,000 | \$72 | Warranty Deed | 5/3 | 20150285374 | 10930 / 5496 |
| 551 Parkside Pointe Blvd | 03/04/2015 | \$314,500 | \$104 | Warranty Deed | 4/3 | 20150134963 | 10890 / 3449 |
| 659 Lexington Pkwy | 02/20/2015 | \$252,000 | \$89 | Warranty Deed | 4/3 | 20150109221 | 10883 / 3966 |
| 526 Errol Pkwy | 02/13/2015 | \$277,000 | \$89 | Warranty Deed | 4/3 | 20150099805 | 10880 / 9167 |
| 519 Parkside Pointe Blvd | 01/27/2015 | \$149,500 | \$46 | Quitclaim Deed | 5/3 | 20150063307 | 10871 / 7891 |

Services for Location**TPP Accounts At Location**

| Account | Market Value | Taxable Value | Business Name(s) | Business Address |
|--|--------------|---------------|------------------|------------------|
| There are no TPP Accounts associated with this parcel. | | | | |

Schools

Apopka (Elementary)

Principal

Lukeshia Miller

Office Phone 407-884-2200
Grades 2014: C | 2013: C | 2012: D

Apopka (Middle School)

Principal Kelly Pelletier
Office Phone 407-884-2208
Grades 2014: B | 2013: C | 2012: B

Apopka (High School)

Principal Mr. Douglas J Guthrie
Office Phone 407-905-5500
Grades 2014: A | 2013: B | 2012: C

Community/Neighborhood Association

Name Parkside at Errol Estates Homeowners Association, Inc.
Gated? No
Mandatory? Yes
Number Of Households 408

Utilities/Services

Electric Duke Energy
Water Apopka
Recycling Apopka
Trash (Thursday, Monday) Apopka
Yard Waste (Monday) Apopka

Elected Officials

County Commissioner Bryan Nelson
State Senate Geraldine F. Thompson
State Representative Jennifer Sullivan
US Representative Corrine Brown
School Board Representative Christine Moore
Orange County Property Appraiser Rick Singh

Nearby Amenities (1 mile radius)

ATMS 7

| | |
|------------------------|----|
| Child Daycare | 1 |
| Dentists Offices | 1 |
| Dry Cleaners | 1 |
| Financial Institutions | 2 |
| Gas Stations | 2 |
| Grocery Store | 2 |
| Gyms & Fitness Centers | 1 |
| Restaurants | 10 |

Market Stats

Sales Within Last 1 Year

Parkside At Errol Ests Ph3

| | Sales Within Last 6 Months | | | | Sales Between 6 Months To One Year | | | |
|---------------------------|----------------------------|--------------------------|--------------------------|-----------|------------------------------------|--------------------------|--------------------------|-------------|
| | Count | Median | Average | Volume | Count | Median | Average | Volume |
| Single Family Residential | 3 | \$237,000 (\$92/SqFt) | \$248,667 (\$98/SqFt) | \$746,000 | 6 | \$272,500 (\$89/SqFt) | \$263,500 (\$82/SqFt) | \$1,581,000 |

Parkside At Errol Estates (All Phases)

| | Sales Within Last 6 Months | | | | Sales Between 6 Months To One Year | | | |
|---------------------------|----------------------------|--------------------------|--------------------------|-------------|------------------------------------|--------------------------|--------------------------|-------------|
| | Count | Median | Average | Volume | Count | Median | Average | Volume |
| Single Family Residential | 13 | \$226,000 (\$96/SqFt) | \$240,889 (\$97/SqFt) | \$3,131,557 | 23 | \$189,000 (\$89/SqFt) | \$202,174 (\$86/SqFt) | \$4,650,000 |